



0000099200

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

Arizona Corporation Commission

2009 JUN 10 A 10:16

DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

JUN 20 2009

DOCKETED BY

IN THE MATTER OF:

DOCKET NO. S-03497A-09-0242

MERRILL LYNCH, PIERCE, FENNER & SMITH
INCORPORATED,

RESPONDENT.

PROCEDURAL ORDER
GRANTING TEMPORARY
ADMISSION
PRO HAC VICE

BY THE COMMISSION:

On June 9, 2009, pursuant to Arizona Supreme Court Rule 38, Laura M. Kam, an attorney with DLA Piper LLP (US) filed with the Arizona Corporation Commission ("Commission") a Motion and Consent of Local Counsel for Temporary *Pro Hac Vice* Admission of Timothy P. Burke of Bingham McCutchen LLP in the above-captioned matter. The Motion lists Ms. Kam as the designated member of the Arizona State Bar with whom communications may be made and upon whom papers should be served.

According to the Motion, Mr. Burke desires to appear on behalf of his clients, Merrill Lynch, Pierce, Fenner & Smith, Incorporated, at the Commission Open Meeting scheduled for June 11, 2009. Attached to the Motion is a copy of Mr. Burke's verified Application for Appearance *Pro Hac Vice* filed with the State Bar of Arizona; copies of his certificates of good standing from the jurisdictions in which he has been admitted to practice law; and indication that the filing fee has been paid to the State Bar of Arizona.

On June 9, 2009, the Commission's Securities Division filed its Response to Motion and Consent of Local Counsel for Temporary Admission *Pro Hac Vice* of Timothy P. Burke, indicating that it has no objection to the admission of Mr. Burke as counsel *pro hac vice* in this matter.

1 Accordingly, for good cause shown and pursuant to Rule 38(a)3, the request for temporary
2 admission *pro hac vice* admission is reasonable and should be granted, provided that the completion
3 of the application procedures occurs within 45 days of this procedural order.

4 IT IS THEREFORE ORDERED that the request for temporary admission *pro hac vice* of
5 Timothy P. Burke to appear before the Commission is hereby granted.

6 IT IS FURTHER ORDERED that the address for service of papers and other communications
7 for Mr. Burke shall be:

8 Timothy P. Burke
9 BRINGHAM MCCUTCHEN LLP
One Federal Street
10 Boston, MA 02110


11 IT IS FURTHER ORDERED that the address for service of papers and other communications
12 for the Arizona-licensed attorney shall be:

13 Laura M. Kam
14 DLA PIPER LLP (US)
2525 East Camelback Road, Suite 1000
15 Phoenix, AZ 85016-4232

16 IT IS FURTHER ORDERED that Timothy P. Burke shall complete the application
17 procedures within 45 days of the date of this procedural order.

18 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
19 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
20 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
21 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
22 matter is scheduled for discussion, unless counsel has previously been granted permission to
23 withdraw by the Administrative Law Judge.

24 DATED this 10th day June, 2009.


25
26
27 
28 LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 10th day of June, 2009 to:

3 Laura M. Kam
4 DLA PIPER LLP (US)
5 2525 East Camelback Road, Suite 1000
6 Phoenix, AZ 85016-4232

7 Timothy P. Burke
8 BRINGHAM McCUTCHEN LLP
9 One Federal Street
10 Boston, MA 02110

11 Matt Neubert, Director
12 Securities Division
13 ARIZONA CORPORATION COMMISSION
14 1300 West Washington Street
15 Phoenix, AZ 85007

16 By: 
17 Debra Broyles
18 Secretary to Lyn Farmer
19
20
21
22
23
24
25
26
27
28